

PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS



Submission form on publicly notified – Proposed
Waikato Regional Plan Change 1 – Waikato and
Waipā River Catchments.

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FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

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SUBMISSIONS CAN BE

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We need to receive your submission by 5pm, 8 March 2017.

YOUR NAME AND CONTACT DETAILS

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 Email: rwindust12@outlook.com
 Phone: 0274 507553 Fax: _____

ADDRESS FOR SERVICE OF SUBMITTER

Full name: _____
 Address for service of person making submission: _____

 Email: _____
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SEE ABOVE (with arrow pointing to the submitter's contact details)

TRADE COMPETITION AND ADVERSE EFFECTS (select appropriate)

- I could / could not gain an advantage in trade competition through this submission.
- I am / am not directly affected by an effect of the subject matter of the submission that:
- (a) adversely effects the environment, and
 - (b) does not relate to the trade competition or the effects of trade competition.

Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO

Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1 (Continue on separate sheet(s) if necessary).

N/A

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

(Select as appropriate and continue on separate sheet(s) if necessary).

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

N/A

MY SUBMISSION IS THAT

Tell us the reasons why you support or oppose or wish to have the specific provisions amended. (Please continue on separate sheet(s) if necessary).

N/A

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- Accept the above provision
- Accept the above provision with amendments as outlined
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PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

- I wish to speak at the hearing in support of my submissions.
 I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

- Yes, I have attached extra sheets. No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

Signature:  Date: 6/3/17

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PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

Submission from Ross Windust.

It is with sadness that one has to make a submission challenging the clean rivers agenda

My submission looks at the end game, which I believe is driven by forces that want to dispose of the capitalist system comprising many small family businesses, (SMEs), these have been by and large the vehicle that has built the NZ we have known.

Private enterprise is a simple system of buying and selling that supports NZ society.

This dates back to Biblical times – property right – freedom of worship – freedom of speech – all of which is coming under pressure by the forces that are backing the green agenda – the clean rivers is driven by an anti-capitalist system, well dressed, well-funded and evil.

The end game of clean water is very simple. Clean water is emotive and is a great stick to bring about the incremental end of the SME system.

Compliance by whatever means is the vehicle in what the clean river agenda is advocating – well couched in green words, but has a very sinister end – could be very bloody if NZers don't wake up.

Compliance is increasing, it is a tool to control and incrementally bleed SMEs dry of profit.

NZ has a very high debt loading, and with the talk of increasing interest rates, compliance costs increasing, pressure coming on land use, one does not have to be a rocket scientist to see what the end game may look like for SMEs.

The evidence one finds when after a few hours of research shows what this clean green agenda has in mind.

The first of the 10 planks of communist manifesto is the abolition of private property in land!!

Look at the words and reams of paper from what the talking heads of UNEP –(International Panel for Sustainable Resource Management) are on about.(See attachment - 5 pages- the document is over 100 pages).

Look at the hypocrisy of Greenpeace – this organization is up to its eyeballs in denigrating NZ SMEs, namely farming for starters.

The Regional councils thru out NZ have been infiltrated by this green agenda by the blessing from central govt, supported by IWI whose agenda is less than honourable.

Look at the EPA USA under Obama and co – look at ranchers who have been imprisoned – won't happen in NZ – think again.

Stalin and Mao took farmland from their citizens by whatever means – millions died – what happened to property rights??

Can't happen here – look around open your eyes – it is happening here – just read what the regional council wants from users of land- you'd have to be dumb or ignorant of recent history not to see what is and is taking place in the name of green.

Look at the future of red meat – what is emanating from the UN – DOES THIS LOOK PROMISING FOR the NZ economy??

Urban NZ has been well brainwashed by the green clean agenda driven by the left media who has been very successful in driving the narrative of dirty dairying – but what about dirty councils, dirty cities, dirty roads, thousands of tons of rubber flushed off roads into waterways and rivers over the age of the motor vehicle-hypocrisy - yes

Any SME that is successful in paying their taxes regularly do not deliberately excrete where they live.

So to bring farming under the pressure and compliance that the river agenda does, shows beyond reasonable doubt that there is a force of evil at work that is a destroyer – why – because a cursory glance of the facts as they unravel before our eyes on a worldwide basis says this is so, if we allow it.

Look at events in the Netherlands, UK, Europe, Ireland USA etc. – simple – farming – our economy is history if we allow this evil to proceed.

I think the sad fact is that central govt wants employment and growth on one hand but is blackmailing the citizenry or is being blackmailed by forces from within and without.

We are threatened by our overseas customers that if we do not follow this green agenda they will not take our products – and this is well known – bow to the forces of the globalists – or die.

So what do we do?

Simple – take a breath or two and have another in depth look at what the end game for NZ farming will look like.

Sadly I think the end game is already known!

The group that has bought the river agenda to the council has by and large been conned, and the resolution was defeated by one vote in council. Pretty scary isn't it, hardly unanimous was it?

And we as KIWI's allow this stuff!! Says a lot for the lifestyle we want for our grand kids??

What workplace are your kids or grand kids going to turn up too I wonder?

Water is the tool of control for govt after the global warming debacle.

Farming of animals is against the green agenda – UN driven

The end game of the greens is earth depopulation – can you believe mother earth day is Lenin's birthday!!!

I rest my case.

Ross Windust

Attachments:

UNEP - 5 pages

Tax on meat – 3 pages

EPA - USA – 4 pages

UNEP - 5 PAGES



International Panel
for Sustainable
Resource Management

ASSESSING THE ENVIRONMENTAL IMPACTS OF CONSUMPTION AND PRODUCTION

Priority Products and Materials

UNITED NATIONS ENVIRONMENT PROGRAMME



Acknowledgements

Editor: International Panel for Sustainable Resource Management, Working Group on the Environmental Impacts of Products and Materials: Prioritization and Improvement Options

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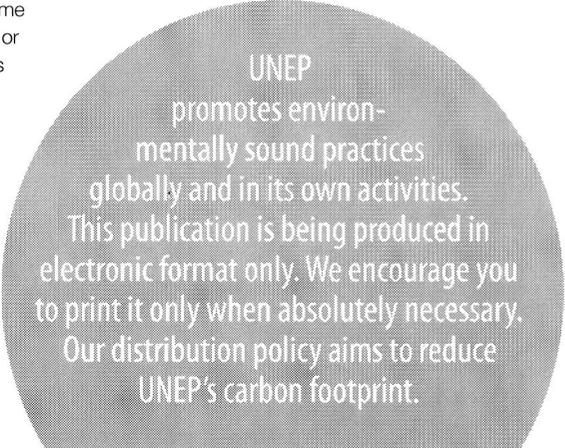
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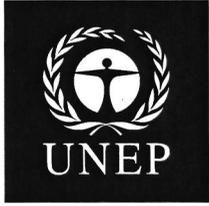
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International Panel
for Sustainable
Resource Management

ASSESSING THE ENVIRONMENTAL IMPACTS OF CONSUMPTION AND PRODUCTION

Priority Products and Materials

Preface

“What do I do first?” It is a simple question, but for decision-makers trying to determine how they can make a meaningful contribution to sustainable consumption and production the answer is more complex. Today’s environmental debate highlights many priority issues. In the climate change discussions, energy production and mobility are in the spotlight, but when it comes to growing concerns about biodiversity, agriculture and urban development are the focus. Decision-makers could be forgiven for not knowing where to begin.

The solution to this dilemma begins with a scientific assessment of which environmental problems present the biggest challenges at the global level in the 21st century, and a scientific, systematic perspective that weighs up the impacts of various economic activities – not only looking at different industrial sectors, but also thinking in terms of consumer demand. From its inauguration in 2007, the International Panel for Sustainable Resource Management, a group of internationally recognized experts on sustainable resource management convened by UNEP, realized there was a need to help decision-makers identify priorities, and has tried to provide this help from a life-cycle perspective in a systematic and scientific way.

The purpose of this report, the latest from the Resource Panel, is to assess the best-available science from a global perspective to identify priorities among industry sectors, consumption categories and materials. For the first time, this assessment was done at the global level, identifying priorities for developed and developing countries. It supports international, national and sectoral efforts on sustainable consumption and production by highlighting where attention is really needed.

We now know that food, mobility and housing must - as a priority - be made more sustainable if we are serious about tackling biodiversity loss and climate change. In most countries, household consumption, over the life cycle of the products and services, accounts for more than 60% of all impacts of consumption. We know from previous research that a doubling of wealth leads to 80% higher CO₂ emissions, so population predictions for 2050 make this even more urgent.

More sustainable consumption and production will have to occur at the global level, not only the country level. Presently, production of internationally traded goods, vital to economic growth, account for approximately 30% of global CO₂ emissions. We also need to consider connections between materials and energy. The mining sector accounts for 7% of the world’s energy use, an amount projected to increase with major implications for international policy. Agricultural production accounts for a staggering 70% of the global freshwater consumption, 38% of the total land use, and 14% of the world’s greenhouse gas emissions.

We must start looking into our everyday activities if we truly want a green economy – for developed and developing countries.

There is a clear need for more action to provide the scientific data and to find common ways to gather and process it so that priorities can be assessed and determined at a global level.

I congratulate the Resource Panel for taking on this difficult task and providing us with the scientific insights we all need to help us move towards a Green Economy.

Achim Steiner

UN Under-Secretary General and Executive Director UNEP

Preface

Environmental impacts are the unwanted byproduct of economic activities. Inadvertently, humans alter environmental conditions such as the acidity of soils, the nutrient content of surface water, the radiation balance of the atmosphere, and the concentrations of trace materials in food chains. Humans convert forest to pastureland and grassland to cropland or parking lots intentionally, but the resulting habitat change and biodiversity loss is still undesired.

The environmental and health sciences have brought important insights into the connection of environmental pressures and ecosystem damages. Well-known assessments show that habitat change, the overexploitation of renewable resources, climate change, and particulate matter emissions are amongst the most important environmental problems. Biodiversity losses and ill health have been estimated and evaluated.

This report focuses not on the effects of environmental pressure, but on its causes. It describes pressures as resulting from economic activities. These activities are pursued for a purpose, to satisfy consumption. Environmental pressures are commonly tied to the extraction and transformation of materials and energy. This report investigates the production-materials-consumption nexus.

So, what are the most important industries that cause climate change? How much energy do different consumption activities require when the production of the products is taken into account? What are the materials that contribute most to environmental problems? The three perspectives are interrelated, as industries use and process materials and contribute to the production of consumer products.

Maybe not surprisingly, we identify fossil fuels use and agricultural production as major problem areas. We illuminate these from the three perspectives. The relative importance of industries, consumption categories and materials varies across the world, as our assessment shows.

This assessment offers a detailed problem description and analysis of the causation of environmental pressures and hence provides knowledge required for reducing environmental impacts. It tells you where improvements are necessary, but it does not tell you what changes are required and how much they will contribute to improvements. That will be the task of future work, both of the Resource Panel and of the wider scientific community.

Professor Edgar Hertwich

Chair, Working group on the Environmental Impacts of Products and Materials

TAX ON MEAT

3 PAGES

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Danish Proposal Calls For Tax On Meat To Fight Climate Change

March 1st, 2017 by [Steve Hanley](#)

The Danish Council of Ethics is recommending that the country impose a tax on meat to fight global warming. The group says that its research finds cattle account for about 10% of global greenhouse gas emissions. Food production taken as a whole — which includes transportation, irrigation, fertilizers, and refrigeration — is responsible for nearly 30% of all emissions, the council says. The Council concluded that “climate change is an ethical problem.”



After members of the Council approved the results of the study by a majority vote, the Council put out a press release in which it said Denmark was under direct threat from climate change and it was not enough to rely on the “ethical consumer” to ensure the country meets its UN commitments. “The Danish way of life is far from climate-sustainable, and if we are to live up to the Paris Agreement target of keeping the global temperature rise well below 2°C, it is necessary both to act quickly and involve food.”

Danes are “ethically obliged” to change their eating habits, the statement added and claimed that it is “unproblematic” to cut out beef and still enjoy a healthy and nutritious diet. The proposed tax would apply initially to only to beef but the idea of a tax to promote a sustainable lifestyle could be extended to other meats and indeed all foods in coming years, with those having the greatest impact on climate change being taxed at the highest rates.

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A Carbon Tax on Meat?

Health officials say taxing red meat could improve people's diets and lower greenhouse gas emissions, but economists say it won't work

By Niina Heikkinen, ClimateWire on February 4, 2016





ARCHIVES, GLOBAL WARMING HOAX, WORLD NEWS & RECORDS

TAX MEAT UNTIL IT'S TOO EXPENSIVE TO EAT, NEW UN REPORT SUGGESTS

AUGUST 2, 2016 | ROBERT | 484 COMMENTS



"Did you vote for these people to tell you how to live? And who will receive the tax and what will they use it for?"

EPA - 4 PAGES

Friday, 13 December 2013

EPA Water Police Coming to Your Farm, Business — and Back Yard

Written by William F. Jasper

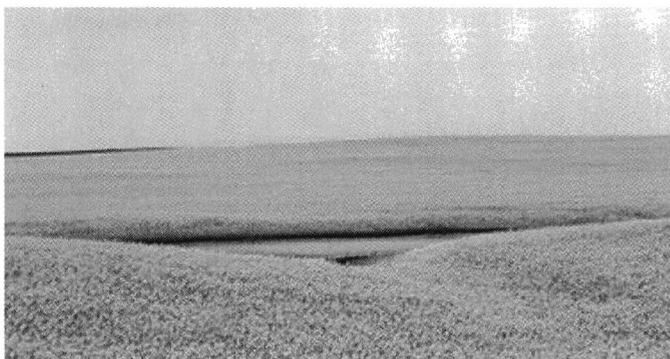
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The rollout fiasco of ObamaCare and the

ongoing uproar over its hidden traps and broken promises has obscured another domestic agenda item of the Obama administration that may prove nearly as pervasive and invasive as his nationalized healthcare initiative.

The clock is ticking on the federal Environmental Protection Agency's draft proposal to grab regulatory authority over virtually all surface water and groundwater throughout the United States. If not stopped by Congress, the agency could assert jurisdiction over even intermittent seasonal streams, isolated wetlands, ditches, trickles, puddles, and ponds. In September, the EPA issued a draft scientific study purporting to find that virtually all wetlands and streams are "physically, chemically, and biologically connected" to downstream waters over which the EPA already claims authority. Moreover, says the EPA study, even many "ephemeral streams" and "prairie potholes, vernal pools and playa lakes" that are dry most of the year can be found to have some connectivity to downstream waters.



At the same time that it released its science report, the EPA and the Army Corps of Engineers sent a draft regulation to the White House Office of Management and Budget (OMB) for interagency review. The White House is supposed to release the proposed regulation to the public by mid-December, but preoccupation with ObamaCare and other matters could delay that release.

Predictably, the EPA's expansive claim to regulatory power is being cheered by "environmental" NGOs that applaud every move to expand, concentrate, and centralize the power and reach of government. And just as predictably, the EPA proposal is generating vigorous opposition from property owners, farmers, ranchers, and industry, as well as state and local governments, who will be directly affected by any new EPA rulemaking on these matters.

The EPA's new study, *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*, is generating controversy for its claims and methodology, as well as for the political nature of its release before being subjected to scientific peer review. Since passage of the federal Clean Water Act (CWA) in 1972, the EPA has been torturing the law's text to claim practically unlimited jurisdiction over all waters. However, the act does not regulate *all* waters; it regulates "navigable waters," defined as "waters of the United States" (33 U.S.C. §§ 1344, 1362(7)). To a reasonable layman, the term "navigable waters" would obviously not apply to puddles, vernal pools, ditches, and seasonal streams. But to EPA bureaucrats bent on limitless authority, the CWA wording was no obstacle; it has continued to assert its power despite being slapped down in court decisions.

The U.S. Supreme Court has ruled against the EPA's ludicrous stretching of "navigable waters" in two of its three decisions concerning this issue. In *United States v. Riverside Bayview Homes, Inc.* (1985), the court upheld the EPA's claim to jurisdiction over wetlands adjacent to navigable waters because it found that the adjacent wetlands were "inseparably bound up" with the navigable waters.

In *Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers* (2001), the Supreme Court rejected the EPA's claimed regulatory authority over isolated ponds because they were a "far cry, indeed, from the 'navigable waters' and 'waters of the United States' to which the statute by its terms extends."

Following their SWANCC defeat, the EPA and Army Corps of Engineers adopted the scheme of claiming that isolated waters were not outside their jurisdiction if, somehow, those waters could be arguably "connected" to navigable waters. This "any connection" theory of water regulation was challenged in *Rapanos v. United States* (2006).

The Supreme Court, in its *Rapanos* decision, found that the Army Corps of Engineers had gone "beyond parody" in claiming that land — whether wet or dry — somehow falls within the definition of "waters" under the CWA. The court referred to *Webster's New International Dictionary* (2nd edition, 1954) to inject some common sense into the agency's absurd interpretation. The court ridiculed the corps' "land is waters" interpretation, stating:

The definition refers to water as found in "streams," "oceans," "rivers," "lakes," and "bodies" of water "forming geographical

features.” All of these terms connote continuously present, fixed bodies of water, as opposed to ordinarily dry channels through which water occasionally or intermittently flows. Even the least substantial of the definition’s terms, namely “streams,” connotes a continuous flow of water in a permanent channel — especially when used in company with other terms such as “rivers,” “lakes,” and “oceans.” None of these terms encompasses transitory puddles or ephemeral flows of water.

The restriction of “the waters of the United States” to exclude channels containing merely intermittent or ephemeral flow also accords with the commonsense understanding of the term. In applying the definition to “ephemeral streams,” “wet meadows,” storm sewers and culverts, “directional sheet flow during storm events,” drain tiles, man-made drainage ditches, and dry arroyos in the middle of the desert, the Corps has stretched the term “waters of the United States” beyond parody. The plain language of the statute simply does not authorize this ‘Land Is Waters’ approach to federal jurisdiction.

The court also revisited again the navigable waters issue, noting that a reasonable interpretation requires “at bare minimum, the ordinary presence of water.” Further, the court stated:

In addition, the Act’s use of the traditional phrase “navigable waters” (the defined term) further confirms that it confers jurisdiction only over relatively permanent bodies of water.... Plainly, because such “waters” had to be navigable in fact or susceptible of being rendered so, the term did not include ephemeral flows.

The court also noted that the corps, like the EPA, had continued to assert its expansive regulatory claims despite the court’s SWANCC decision. According to the court:

Even after SWANCC, the lower courts have continued to uphold the Corps’ sweeping assertions of jurisdiction over ephemeral channels and drains as “tributaries.” For example, courts have held that jurisdictional “tributaries” include ... a “roadside ditch” whose water took “a winding, thirty-two-mile path to the Chesapeake Bay,” ... and (most implausibly of all) the “washes and arroyos” of an “arid development site,” located in the middle of the desert.

Not to be deterred, the federal bureaucrats have, since SWANCC and *Rapanos*, focused on developing their “connectivity” theory, in order to meet the “significant nexus” standard that Justice Kennedy set down in his concurring *Rapanos* opinion.

The text of the EPA’s *Connectivity of Streams and Wetlands* study (also known as *The Synthesis Report*), together with the alarming trend of the agency’s abuse of power — especially under the current administration — gives every reason to believe that the agency intends to run roughshod over private homeowners, farmers, ranchers, loggers, miners, manufacturers, energy producers, developers, and local and state governments. All under the pretext, of course, of protecting the purity of water from evil polluters. And — with the blessing of “science.”

The EPA and Army Corps of Engineers have fashioned their connectivity standards to trump the “navigable waters” limitations and appear to meet the “significant nexus” requirements of the Supreme Court. *The Synthesis Report* states:

All tributary streams, including perennial, intermittent, and ephemeral streams, are physically, chemically, and biologically connected to downstream rivers via channels and associated alluvial deposits where water and other materials are concentrated, mixed, transformed, and transported.

Further, it signals that more wetlands battles are in the works, even though the “wetlands” may be “prairie potholes” unconnected to the “waters of the United States.” According to the EPA’s report:

Wetlands in landscape settings that lack bidirectional hydrologic exchanges with downstream waters (e.g., many prairie potholes, vernal pools, and playa lakes) provide numerous functions that can benefit downstream water quality and integrity....

In unidirectional wetlands that are not connected to the river network through surface or shallow subsurface water, the type and degree of connectivity varies geographically within a watershed and over time.

It continues:

Further, while our review did not specifically address other unidirectional water bodies, our conclusions apply to these water bodies (e.g., ponds and lakes that lack surface water inlets) as well, since the same principles govern hydrologic connectivity between these water bodies and downstream waters.

The Synthesis Report reconfirms agency plans to target “ephemeral or intermittent” water flows, stating:

Even infrequent flows through ephemeral or intermittent channels influence fundamental biogeochemical processes by connecting the channel and shallow groundwater with other landscape elements.

The report’s glossary also provides cause for concern, giving, for example, this definition for “connectivity”: “The degree to which components of a river system are joined, or connected, by various transport mechanisms; connectivity is determined by the characteristics of both the physical landscape and the biota of the specific system.”

Considering past abuses of the EPA and other federal regulatory agencies, it does not require great imagination to realize this definition alone supplies enormous opportunities for tyrannical overreach. Will the EPA determine that your “prairie pothole” with a few inches of seasonal water — be it 5, 10, 20, or 32 miles from the nearest “navigable waters” — is “connected,” nonetheless, because “landscape” criteria developed by the agency’s “scientists” say so?

And if that doesn’t work, there’s always the “biota” criterion. “What the heck is ‘biota,’” you ask? The *Oxford Dictionary* defines it as “the

animal and plant life of a particular region, habitat, or geological period: the biota of the river.” Other reference sources say it refers to any “organisms” — animal or plant — in a region or habitat. It is far from wild speculation to imagine that the EPA (perhaps with the assisting prod of a lawsuit by enviro-activists) may use its new connectivity weapon to find a bug, frog, fungus, weed, bird, bush, rodent — any organism — to claim a connection between one’s property and far off “waters of the United States,” no matter how absurd and “beyond parody” the contention may be.

The EPA’s connectivity theory and its proposed new regulations to implement it have been subjected to many critical legal reviews by many groups, including the Missouri-based *Property Rights Coalition* and the *Waters Advocacy Coalition*, which is composed of organizations such as the American Farm Bureau Federation, American Forest & Paper Association, Irrigation Association, National Association of Home Builders, National Association of Manufacturers, National Association of Realtors, National Association of State Departments of Agriculture, National Cattlemen’s Beef Association, National Mining Association, and National Council of Farmer Cooperatives.

Rep. Lamar Smith (R-Texas), chairman of the House Committee on Science, Space, and Technology, is among the members of Congress who have denounced the EPA’s new water regulatory plans as “a massive power grab of private property across the U.S.”

In a November 12, 2013 press statement, Rep. Smith declared:

The EPA’s draft water rule is a massive power grab of private property across the U.S. This could be the largest expansion of EPA regulatory authority ever. If the draft rule is approved, it would allow the EPA to regulate virtually every body of water in the United States, including private and public lakes, ponds and streams.

“The Obama administration’s latest power play to regulate America’s waterways is an unprecedented effort to control the use of private property,” Smith said.

A week prior, on November 6, Rep. Smith and Environment Subcommittee Chairman Chris Stewart (R-Utah) sent a letter to the White House Office of Management and Budget (OMB) outlining concerns about the “rush” process by which the EPA is attempting to expand its jurisdiction under the Clean Water Act.

“Rather than allowing time for a review of their proposed regulations, the EPA is rushing forward regardless of whether the science actually supports the rule,” the chairmen wrote. “The proposed rule could give the EPA unprecedented power over private property in the U.S. Racing through the approval process without proper peer review and transparency amounts to an EPA power play to regulate America’s waterways. Such unrestrained federal intrusion poses a serious threat to private property rights, state sovereignty and economic growth.”

As we have reported previously (see [here](#) and [here](#)), last year the U.S. Supreme Court handed down another slap to what it called the EPA’s “high-handedness” in the agency’s abuse of “wetlands” regulations to stop the Sackett family of Priest Lake, Idaho, from building their dream home on a residential lot. In spite of having gotten all the necessary local permits, the Sacketts were prevented from building their home for five years and threatened with outrageous fines of \$75,000 per day.

Nevertheless, it doesn’t seem to matter how many times the Supreme Court or other courts may rebuke and rebuff the regulatory overreach of the EPA, Army Corps of Engineers, U.S. Forest Service, or any of the other myriad federal alphabet soup agencies; the bureaucrats unrepentantly and relentlessly return to their grasping agenda with nary (or barely) a pause.

The Sacketts were fortunate to have been represented by capable counsel provided pro bono by the Pacific Legal Foundation; many thousands of other American homeowners, farmers, and business owners have been bankrupted by similar federal regulatory attacks, or have simply given up, caved in to the demands of federal agencies, and paid exorbitant fines. Who, besides the likes of Bill Gates or George Soros have the financial wherewithal (not to mention the time and energy — which could involve many years of litigation) to take on the federal government?

Should American citizens be forced to undergo such extortion, humiliation, and abuse at the hands of our “public servants”? Unfortunately most members of Congress — even those who claim to oppose the notorious “overreach” of the EPA and other agencies Congress has created, funded, and is charged with overseeing — do little more than plead with the agencies to stop abusing powers they are not authorized under our Constitution to exercise in the first place. On November 13, Senate Western Caucus Chairman John Barrasso (R-Wy.) and Congressional Western Caucus co-chairs Stevan Pearce (R-N.M.) and Cynthia Lummis (R-Wy.) joined 27 other Caucus Members in sending a letter to EPA Administrator Gina McCarthy in a futile effort to convince the agency head to “change course.”

“We urge you to change course and to commit to operating under the limits established by Congress, even if those limits are impermissibly overlooked in the so-called Connectivity Report,” the 30 senators and congressmen implored. “We ask that you work with Congress to address these issues keeping in mind the need to provide clean water for our environment and communities, while also acknowledging the important role states play as a partner in achieving these goals.”

Any members of Congress that seriously expect Administrator McCarthy to take their plea to heart probably also believe the Easter Bunny delivers the eggs to the White House for its annual Easter egg hunt. Or, more likely, they believe that by this practically empty gesture they can engage in a defiant pose that will (they hope) satisfy their constituents that they are doing their jobs and defending their constituents rights and interests.

Sen. Rand Paul (R-Ky.) has gone a different route, proposing genuine, substantive remediation, in the form of the Defense of

Environment and Property Act of 2013 (S. 890). The legislation, which he introduced in May — five months before the EPA unleashed its new proposed power grab — would thwart the connectivity gambit of the EPA and Army Corps of Engineers by, among other things, strictly defining “navigable waters” and “waters of the United States,” as well as requiring any federal agency that issues a regulation that “diminishes the fair market value or economic viability of a property” to pay “the affected property owner an amount equal to twice the value of the loss.”

Sen. Paul’s bill has six cosponsors: Mike Lee (R-Utah), Mitch McConnell (R-Ky.), Marco Rubio (R-Fla.), David Vitter (R-La.), Saxby Chambliss (R-Ga.), and Orrin Hatch (R-Utah). The federal legislation-monitoring website govtrack.us gives S. 890 only a “5% chance of getting past committee” and an even slimmer “2% chance of being enacted.” That dismal prognosis is based upon a legislative history, the website notes, in which “only 11% of bills made it past committee and only about 3% were enacted in 2011–2013.”

An identical House version of the bill, H.R. 3377, sponsored by Rep. Mac Thornberry (R-Texas) and cosponsored by Mark Amodei (R-Nev.) and Tom McClintock (R-Calif.) is given a slightly better (but still bleak) chance of passage by govtrack.us: 9% chance of getting past committee; 3% chance of being enacted.

However, there are many current dynamics that could change those gloomy forecasts. Widespread anger over the broken promises of ObamaCare and the hidden mandates, fines, and taxes that are coming to light could betoken a significant shift in public opinion against more fedgov regulatory intrusion. The NSA spying and warrantless search scandals are stirring bipartisan outrage across the political spectrum. The administration’s continuing assault on our crumbling economy is causing widespread defections across all of Obama’s key demographic support bases. Then there is the current Supreme Court case of *Bond v. United States*, another astonishing example of fedgov officials reaching “beyond parody” to the realm of the absurd. In this case, currently being heard by the court, defendant Carol Anne Bond is being prosecuted by the federal government under legislation to implement the United Nations Chemical Weapons Convention. What did Bond do? She caused minor burns to the fingers of her husband’s paramour (whom he had impregnated) by putting a homemade caustic chemical on the door handles of the woman’s home, car, as well as on her mailbox. For that minor act of soap opera revenge federal prosecutors leapfrogged state jurisdiction and made it a federal case based on a UN treaty! With this kind of outrageous overreach being the rule of the day for the Obama administration, many people will have no difficulty at all in recognizing the frightening potential for horrendous abuse imbedded in the EPA’s inventive “connectivity” doctrine.

Opposition to the administration’s ever growing cascade of executive orders, regulations, abuses, and usurpations could hit a critical mass that coincides with incumbent jitters about voter retaliation in the fast-approaching 2014 elections. Significant input from agitated citizens could propel Sen. Paul’s S. 890 and Rep. Thornberry’s H.R. 3377 to passage.

However, it may begin to dawn on a great many people that even these bills are far too little too late; even if enacted, they deal only with one facet of the EPA’s vast abuses and usurpations, leaving intact its many other unconstitutional arrogations of power.

In an essay earlier this year, entitled “Is It Time to Get Rid of the EPA?,” Henry I. Miller, M.D. answered that question in the affirmative. Dr. Miller, a research fellow at the Hoover Institution and adjunct fellow at the Competitive Enterprise Institute, was himself for many years a federal regulator (at the Food and Drug Administration, FDA). His extensive dealings with the EPA convinced him that it is “a miasma populated by the most radical, disaffected and anti-industry discards from other agencies” with an “entrenched institutional paranoia and an oppositional worldview.”

“I found EPA to be relentlessly anti-science, anti-technology and anti-industry,” Miller said. “Since it was created in 1970, EPA has been a rogue agency — ideological, poorly managed and out of touch with sound science and common sense. It is past time to consider whether the nation’s experiment with a free-standing environmental agency has failed, and whether its few essential functions should be relegated to less science-challenged agencies and departments.”

As many articles published by *The New American* have shown (see links below), Dr. Miller’s characterization of the EPA as a “rogue agency” is far from exaggeration. Its abolition is the ultimate solution that Congress should be aiming at. Any legitimate functions it serves and police powers it exercises can be, and should be, left to the state and local governments to perform, as our nation’s Founders intended, as our Constitution mandates, and as experience proves is not only more efficacious in protecting the environment, but also in encouraging prosperity and preserving liberty.

Related articles:

[Supreme Court Ruling: Victory for Property Owners, Defeat for EPA](#)

[TONIGHT!: Sen. Rand Paul Hosts Tele-Town Hall on EPA Regulatory Overreach on “Navigable Waters”](#)

[EPA Closure of Last Lead Smelting Plant to Impact Ammunition Production](#)

[EPA Shutting Down Last-standing U.S. Primary Lead Smelter](#)

[Obama EPA War on Coal to Shut 200+ Coal-Fired Plants, Devastate Economy](#)

[EPA Proposes Stricter New Standards for Soot Pollution](#)

[EPA Announces New Smog Limits](#)

[Just Freeze! EPA Says Burning Wood Is Bad, but so Is Natural Gas, Coal, Oil](#)

[EPA Declares Human Breath \(CO2\) a Pollutant](#)